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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/909,177 | 07/19/2001 | Bruce A. Willins | 538Y-1 | 1895 |
| 156 | 7590 | 05/09/2005 | EXAMINER | |
| KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C. 489 FIFTH AVENUE NEW YORK, NY 10017 | | | ZHONG, CHAD | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2152 | |

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/909,177

Applicant(s)

WILLINS ET AL.

Examiner

Chad Zhong

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/12/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-16 are presented for examination.
2. It is noted that although the present application does contain line numbers in specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.
3. Applicant is required to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification. The status of all citations of US filed applications in the specification should also be updated where appropriate.
4. The use of the trademark Spyglass Inc. among others have been noted in this application (pg 3). It should be capitalized wherever it appears and be accompanied by the generic terminology. Appropriate correction is required for the entire specification.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable by Lewis et al. (hereinafter Lewis), US 6,233,565, in view of Durst, Jr. et al. (hereinafter Durst), US 6,542,933.
7. As per claim 1, Lewis teaches a method of enabling authorized access to a network, comprising

the steps of:

- a) requesting authentication over the network (Col. 28, lines 50-67);
- b) printing encoded, machine-readable indicia having parts of different light reflectivity which identify an authenticated user on a portable, physical ticket in response to the requesting step (abstract; Col. 38, lines 26-57); and
- c) presenting the physical ticket to a reader for electro-optically reading the indicia to gain access to service (Col. 36, lines 55-67; Col. 38, lines 26-57).

8. Lewis does not explicitly teaches gaining access to the network by presenting the physical ticket to a reader for electro optically reading the indica.

9. In a similar system Durst teaches extraction of a scanned barcode and uses said barcode for Internet access, specifically, Durst discloses gaining access to the network by presenting a physical ticket to a reader for electro optically reading a indica (see for example, Col. 3, lines 17-26; Col. 5, lines 47-52; Col. 7, lines 20-47), wherein the physical ticket of Durst is used to gain access to network resources with ease for the end user.

10. It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Lewis and Durst because they both dealing with using a bar code scanner to electro-optically scan indica in order to gain access to an event. Furthermore, the teaching of Durst to allow gaining access to the network by presenting a physical ticket to a reader for electro optically reading a indica would improve the accessibility and usability of Lewis's system by allowing the user to access network information without entering long sequence of terms, see for example, Col. 2, lines 52-64.

11. As per claim 2, Lewis teaches the method of claim 1, wherein the requesting step is performed by

sending an electronic request to an authentication server on the network (Col. 28, lines 50-67).

12. As per claim 3, Lewis teaches the method of claim 1, wherein the printing is performed on a disposable medium (Col. 28, lines 50-67; Col. 38, lines 26-53, wherein the paper copies of indicia are disposable).

13. As per claim 4, Lewis teaches the method of claim 1, wherein the printing is performed by printing a two-dimensional bar code symbol (Col. 36, lines 55-67).

14. As per claim 5, Lewis teaches the method of claim 1, wherein the requesting step includes the step of requesting access to the network for a predetermined time, after which access to the network is terminated (Col. 29, line 63 – Col. 30, line 5; Col. 23, lines 10-22).

15. As per claim 6, Lewis teaches the method of claim 1, and further comprising situating the network in a public venue (Col. 38, lines 26-53).

16. As per claim 7, Lewis teaches a method of enabling authorized access to a network, the method comprising the steps of:

a) requesting and receiving from a key distribution center over the network an electronic ticket signal identifying a user and an application server to be accessed on the network (Col. 2, lines 42-67);

The remaining portions of claim 7 are rejected for the same reasons as rejection to claim 1 above.

17. As per claim 8, Lewis teaches the method of claim 7, wherein the key distribution center includes an authentication server (Col. 12, lines 1-10, wherein the web server is the authentication server) and a ticket granting server (Col. 12, line 20-25, wherein the transaction server is the ticket granting server), and wherein the requesting and receiving steps are performed by initially sending a request to the authentication server for access to the ticket granting server, by thereupon receiving a response containing

a session key encrypted with a ticket server key (Col. 14, lines 25-35), by thereupon sending a subsequent request to the ticket granting server for access to the application sever, and by subsequently receiving the electronic ticket signal from the ticket granting server (Col. 2, lines 42-67; Col. 28, line 50 – Col. 29, line 25).

18. As per claim 9-12, claims 9-12 are rejected for the same reasons as rejection to claims 5, 7, 3-4 above respectively.

19. As per claim 13, Lewis teaches the arrangement of claim 12, wherein the symbol is PDF-417 (Col. 36, lines 55-67).

20. As per claim 14-15, claims 14-15 are rejected for the same reasons as rejection to claims 5-6 above respectively.

21. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. (hereinafter Lewis), US 6,233,565 in view of 'Official Notice'.

22. As per claim 16, Lewis does not explicitly teaches the arrangement of claim 10, wherein the network is a wireless local area network (hereinafter LAN). "Official Notice" is taken that the concept and advantages of providing for wireless LAN is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to include wireless LAN with Lewis because it would provide for mobility towards the authentication system.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "BAR

Art Unit: 2152

CODE SYMBOL TICKETING FOR AUTHORIZING ACCESS IN A WIRELESS LOCAL AREA COMMUNICATIONS NETWORK”.

i. US 6665427 Keagy et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (703) 305-0718. The examiner can normally be reached on M-F 7am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 703-305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CZ
February 10, 2005



Dung C. Dinh
Primary Examiner